

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PEORIA TAZEWELL PATHOLOGY)	
GROUP, S.C.; CONSULTANTS IN)	
LABORATORY MEDICINE AND)	
PATHOLOGY, LTD.; CONSULTANTS IN)	
CLINICAL PATHOLOGY, LTD.;)	CASE NO. 11 cv 04317
R. GLENN HESSEL, M.D.; RONALD)	
CHAMPAGNE, M.D.,)	
)	JUDGE John W. Darrah
Plaintiffs,)	
v.)	
)	
JACK MESSMORE, ACTING DIRECTOR)	
OF THE STATE OF ILLINOIS)	
DEPARTMENT OF INSURANCE, in His)	
Official Capacity; ILLINOIS)	
DEPARTMENT OF INSURANCE; LISA)	
MADIGAN, ATTORNEY GENERAL OF)	
THE STATE OF ILLINOIS, in Her Official)	
Capacity; STATE OF ILLINOIS)	
c/o LISA MADIGAN, ATTORNEY)	
GENERAL OF THE STATE OF)	
ILLINOIS,)	
)	
Defendants.)	
)	

PLAINTIFFS' MOTION TO SET HEARING ON
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, Peoria Tazewell Pathology Group, S.C., Consultants in Laboratory Medicine and Pathology Ltd., Consultants in Clinical Pathology, Ltd., R. Glenn Hessel, M.D. and Ronald Champagne, M.D. (collectively "Plaintiffs") move this Court to set a hearing on Plaintiffs' Motion for Preliminary Injunction (Dkt. 5). In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed their Verified Complaint in this case on June 24, 2011 (Dkt. 1), seeking preliminary injunctive relief among other remedies.

2. On June 27, 2011, Plaintiffs filed their Motion for Preliminary Injunction (Dkt. 5), as well as a corresponding motion seeking expedited briefing and oral argument (Dkt. 7).

3. By its Minute Entry of June 27, 2011 (Dkt. 8), the Court invited Defendants to respond on or before June 29, 2011, to Plaintiffs' motion for expedited briefing and oral argument.

4. On June 27, 2011, Defendants filed their response to Plaintiffs' request for expedited briefing and oral argument (Dkt. 17). Defendants proposed there that they be permitted to file a "Response to the Motion for Preliminary Injunction" on or before July 26, 2011, after which Plaintiffs should file their reply in support of that motion on or before August 10, 2011. (Dkt. 17, at p. 2.)

5. The Court denied Plaintiffs' motion to expedite on June 30, 2011 (Dkt. 25), and entered a briefing schedule on Plaintiffs' Motion for Preliminary Injunction following Defendants' proposal. Specifically, and in order that the motion would be fully briefed upon the return of the assigned judge, the Court ordered Defendants to respond to the motion by July 26, 2011, and Plaintiffs to reply by August 10, 2011. (*See* Dkt. 25, at p.2.)

6. On July 26, 2011, Defendants filed a Motion to Dismiss, with a Brief in Support thereof and in Opposition to Plaintiffs' Motion for Preliminary Injunction (Dkt. 28 and 29).

7. Thereafter, on August 10, 2011, in accordance with the Court's Order, Plaintiffs filed their reply memorandum in support of their Motion for Preliminary Injunction.

8. Plaintiffs' Motion for Preliminary Injunction is now fully briefed for hearing by this Court.

WHEREFORE, Plaintiffs, Peoria Tazewell Pathology Group, S.C., Consultants in Laboratory Medicine and Pathology Ltd., Consultants in Clinical Pathology, Ltd., R. Glenn Hessel, M.D. and Ronald Champagne, M.D., respectfully request that the Court set a hearing on Plaintiff's Motion for Preliminary Injunction, and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Peoria Tazewell Pathology Group, S.C.,
Consultants in Laboratory Medicine,
Pathology, Ltd., and Consultants in Clinical
Pathology, Ltd., R. Glenn Hessel, M.D. and
Ronald Champagne, M.D.

By: /s/ Joseph J. Jacobi
One of their Attorneys

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